

Simply stated, it is the belief of the Applicant that public use of the important front lawn of the Chestnut Lodge property is (a) inconsistent with the continuous experience of the lawn as a passive green oasis in a suburban setting; (b) proposes uses and/or facilities that have no relationship with the historic use of the property; and (c) introduces human activity which can be harmful to preservation of the mature trees on the property.

Much thought has been given about how to protect the existing trees from new development and how to enhance their health and survivability. Public use of part of the front lawn results in activity contrary to achieving this goal. Enclosed with this submission is a letter from Don Zimar of Zimar Associates, Inc., the project arborist, describing the negative effects on mature vegetation that can occur from public use of areas covered by specimen trees. (Attachment D).

The Applicant requests, for the reasons set forth above, that it not be required to convey land to the City to be used as a public park in consideration of its desire to create seven condominiums in the Lodge building while preserving the character and appearance of the front lawn of the property.

C. Conflicts with, or lack of, public maintenance versus private maintenance.

Probably more than anything else, Chestnut Lodge Properties, Inc. objects to conveying a portion of the front lawn to the City because the Applicant does not have the same confidence that is held by the Department of Parks and Recreation that maintenance of public land will be equivalent to what the homeowners will expect for the entry area and approach to their community. This is not an insignificant concern. It is presumed that such minor conflicts as cutting of grass on different days, leaving a discernible line between the public and privately maintained areas, can be resolved by coordination of cutting schedules.

The bigger problem occurs when time or budget demands on the Parks and Recreation Department cause it to reduce the frequency of cuttings or the scope of preventive lawn care. It is inevitable that the public sector will not be able to keep up the pace of diligent grass cutting and prudent lawn care for which the residents' association will contract, leaving distinct areas of the highly visible front lawn receiving different levels of care and attention.

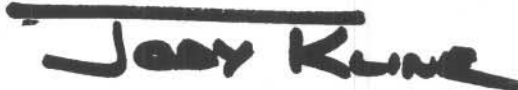
This problem is quite pronounced in the area of tree maintenance. The Master Plan and the Design Guidelines stress the retention and protection of mature trees on the property. The Applicant's plans for redevelopment of the Chestnut Lodge property maximizes preservation of those important site features. The Applicant has gone so far as to develop a program to nurture and prolong the life of the trees on the property. It is doubtful that the public sector would undertake such an aggressive tree maintenance program and, even if it did, could maintain that extensive and expensive program over time given the competing demands of time and budget on the City's resources. By comparison, when a purchaser buys a home (whether single-family detached or condominium residence) in the Chestnut Lodge community, they will receive a draft budget for the homeowners' association on which the costs for lawn and tree maintenance will already be a "line item" to stress the importance of maintaining these important features at a high level of professional attention.

V. SUMMARY.

The waivers requested by Chestnut Lodge Properties, Inc. are essential to creating the new community according to the image that has been presented to the Planning Commission in various written and graphic materials, as well as the model of the property. We hope that this letter highlights the reasoning behind the most important of the waiver requests so that the Applicant can have an instructive dialogue with the Planning Commission at your August 15th meeting.

Sincerely yours,

MILLER, MILLER & CANBY



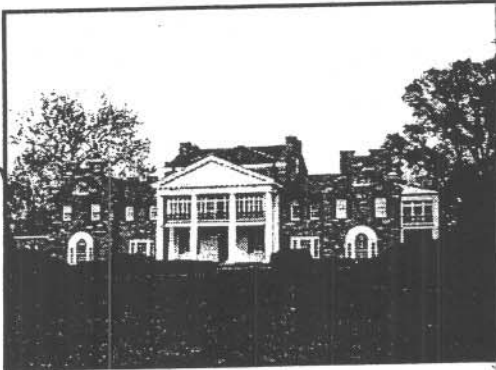
Jody S. Kline


Soo Lee-Cho

JSK/dlt

Enclosures

cc: Art Chambers
Jim Wasilak
Rebecca Torma
Cindy Kebba
Chestnut Lodge Properties, Inc.
Project Team



City of Rockville
**Comprehensive
Master Plan**

**Approved and Adopted
November 12, 2002**



City of Rockville, Maryland

to the historically significant Chestnut Lodge and the historic character of the West Montgomery Avenue streetscape, it is appropriate for a portion of the property to be located within the Historic District, and for additional design review of new structures by the HDC on the site to ensure their compatibility. It is also recommended that there be no street connection to Brent Road.

Chestnut Lodge, 500 West Montgomery Avenue

This property is unique in the City of Rockville because its historical uses are different than that of the surrounding residential neighborhoods. In addition, the administration building at the facility is one of the few remaining examples of the French-Second Empire architectural styles in Rockville and dates back to 1887. The site's bucolic setting is consistent with its original use as a resort hotel and that of a turn-of-the-century mental health institution. Reuse of the facility as a private school or other institution would need not only to be compatible with the surrounding residential neighborhoods and the historic district but also to be compatible with and maintain an architecturally and historically significant structure. In addition, the grounds contain mature plantings that should be preserved.

This plan recommends that the site be maintained in an institutional use and retain its R-S Zone in order to offer as much protection as possible for the site's historic buildings and mature trees. A residential use on the property may be acceptable if the historic buildings and trees are protected. Development under a Special Development Procedure, such as a variable lot size development, cluster development or Planned Residential Unit (PRU), is recommended if the historic and tree preservation goals are achieved. Development under the Planned Residential Unit development procedure is preferred for its flexibility in site design. However, the number of new residential dwellings on the property should be limited to the base level of development afforded by the R-S Zone, and by the goal of this plan to retain the setting of the historic structures and treed area along West Montgomery Avenue with as little disturbance as possible. The governing minimum lot size, maximum lot coverage and minimum setback requirements that apply to the property shall be those of the R-90 Zone in order that the new development be compatible with existing surrounding neighborhoods. In addition, landscaped buffer areas must be provided on the eastern, southern and western property boundaries, adjacent to existing residential dwellings. Given the property's relationship to the historic character of the West Montgomery Avenue streetscape, it is appropriate for an expanded portion of the property to be located within the West Montgomery Avenue Historic District, and for additional design review of new structures on the remainder of the site by the HDC to ensure their compatibility. This plan recommends against allowing C-1 uses that are normally permitted in a planned residential unit development. Finally, a hotel/spa use in the Main Lodge Building may be an acceptable use as long as it is limited primarily to the existing buildings, without major additions, and is buffered from the adjacent neighborhoods, and protects the site's historic buildings and trees. This would require either a text amendment or the creation of a new zone to provide for this option.

Recommendations

1. Continue to explore and implement various "traffic calming" and control techniques within the neighborhood to discourage cut-through traffic.

CHESTNUT LODGE PROJECT
PRU Exploratory Application No. PRU2005-00022

LIST OF REQUESTED WAIVERS / MODIFICATIONS

A. Waiver/Modification of Use Restrictions of Section 25-296

1. To allow "multiple-family dwellings" in the rehabilitated Lodge Building in the RS zone.
2. To allow, if necessary, "library or museum" use in Frieda's Cottage in the RS zone.

B. Modification of Road Standards Pursuant to Section 21-20

1. To allow a reduced right-of-way width from 60 feet to 27 feet, 4 inches for a secondary road, measured from back of curb to back of curb.
2. To allow a flushed concrete edge along the road within the Historic District area, instead of standard curb and gutter, in order to preserve as many existing trees on the site as possible.
3. To allow modified street and/or streetscape standards on Thomas Street consistent with the "Thomas Street Road Improvement Exhibit" submitted to staff, in order to preserve as many existing trees on the site as possible.

C. Waiver from Strict Application of Section 25-553, i.e., "Limitation on Types of Dwelling Units", Pursuant to Section 25-549

1. To allow 7 multi-family units in the rehabilitated Lodge Building without public park dedication.

D. Waiver/Modification of Main Building & Accessory Building Development Standards in the R-90 zone as follows:

The entries that are **bolded & shaded** on the following tables identify the waivers/modifications to the R-90 development standards being requested by Applicant based on the revised Exploratory Plans submitted on August 4, 2005.

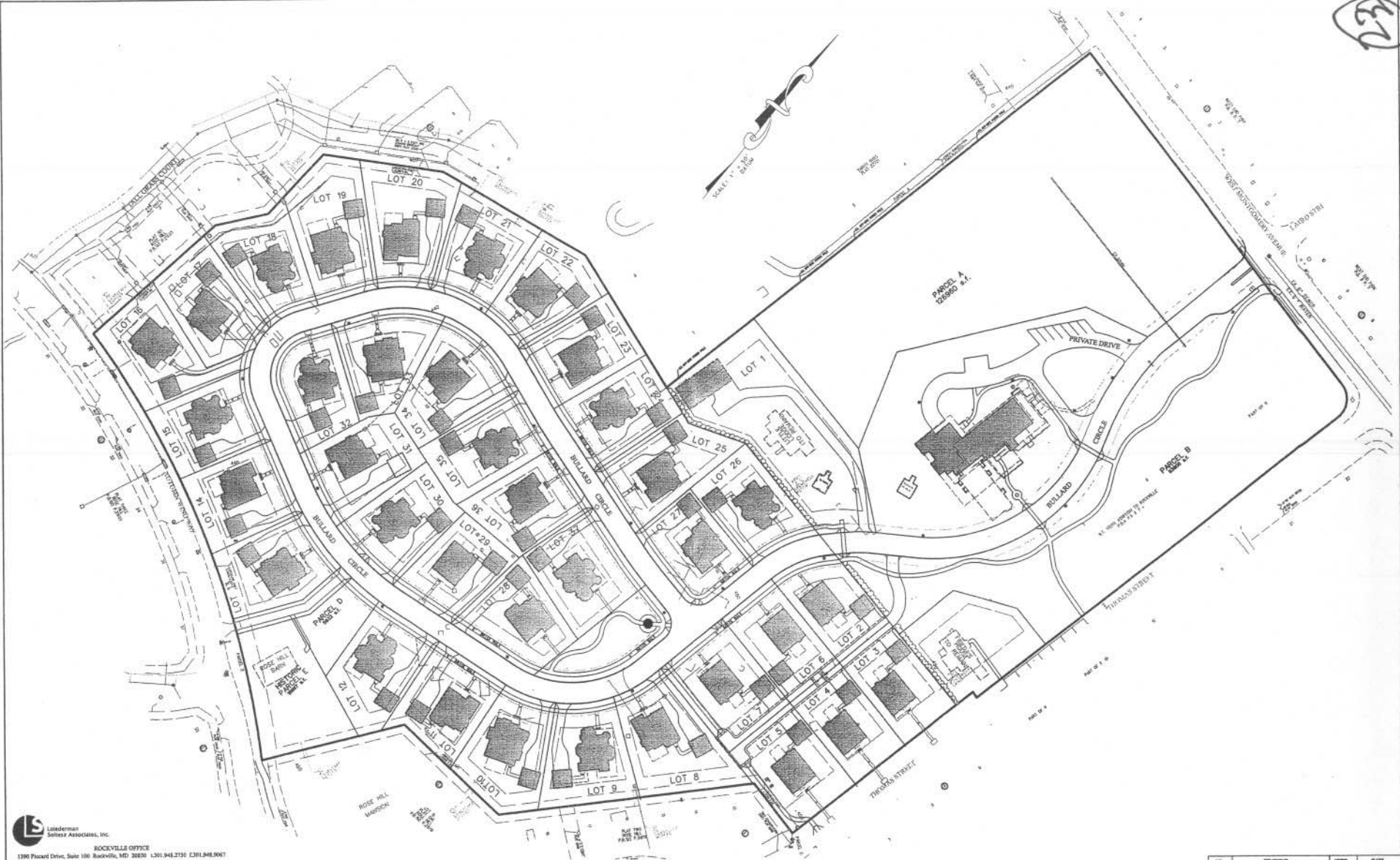
MAIN BUILDING							
Lot / Parcel	Preliminary Lot Area (s.f.)	Max. Allowable Lot Coverage (based on prelim. lot area; includes accessory bldg.)	Preliminary Lot Coverage (includes accessory bldg.)	Min. Setbacks (ft.)			Max. Height (ft.)
				Front	Side	Rear	
R-90 STANDARDS BY RIGHT	9,000	25%		30	11	25	35
Parcel E (Rose Hill Barn)	15,997	N/A	10.21% (1,630)	9	> 11	25	20 (existing bldg.)
Parcel H (Frieda's Cottage)	15,083	N/A	11.76% (1,774)	13	> 11	25	20 (existing bldg.)
Parcel I (Lodge Building)	67,466	N/A	11.98% (8,085)	> 30	> 11	> 25	63 (existing bldg.) 41 (new addition)
Lot 1 (Little Lodge)	32,491	N/A	12.80% (4,158)	> 30	> 11	> 25	24 (existing bldg.)
Lot 2	10,475	25% (2,618)	23.68% (2,480)	30	11	25	35
Lot 3	10,977	25% (2,744)	22.59% (2,480)	30	11	25	35
Lot 4	10,582	25% (2,645)	23.44% (2,480)	30	11	25	35
Lot 5	13,003	25% (3,250)	19.07% (2,480)	30	11	25	35
Lot 6	10,920	25% (2,730)	22.71% (2,480)	30	11	25	35
Lot 7	13,650	25% (3,412)	18.17% (2,480)	30	11	25	35
Lot 8	15,512	25% (3,878)	18.46% (2,864)	30	11	25	35
Lot 9	12,988	25% (3,247)	22.06% (2,865)	30	11	25	35
Lot 10	13,641	25% (3,410)	21.63% (2,950)	30	11	25	35
Lot 11	11,944	25% (2,986)	23.98% (2,864)	30	11	25	35
Lot 12	12,881	25% (3,220)	22.24% (2,865)	30	11	25	35
Lot 13	12,778	25% (3,194)	23.09% (2,950)	30	11	25	35
Lot 14	12,555	25% (3,138)	22.81% (2,864)	30	11	25	35
Lot 15	12,337	25% (3,084)	23.22% (2,865)	30	11	25	35
Lot 16	13,908	25% (3,477)	21.21% (2,950)	30	11	25	35
Lot 17	12,789	25% (3,197)	22.39% (2,864)	30	10	25	35
Lot 18	12,222	25% (3,055)	23.44% (2,865)	30	10	25	35
Lot 19	15,189	25% (3,797)	19.42% (2,950)	30	11	25	35
Lot 20	14,893	25% (3,723)	19.23% (2,864)	30	11	25	35
Lot 21	12,593	25% (3,148)	22.75% (2,865)	30	11	25	35
Lot 22	12,029	25% (3,007)	24.52% (2,950)	30	11	25	35
Lot 23	12,061	25% (3,015)	23.75% (2,864)	30	10	25	35
Lot 24	12,134	25% (3,033)	23.61% (2,865)	30	10	25	35
Lot 25	12,944	25% (3,236)	22.13% (2,864)	30	10	25	35
Lot 26	11,951	25% (2,987)	23.97% (2,865)	30	11	25	35
Lot 27	11,558	25% (2,889)	24.78% (2,864)	30	10	25	35
Lot 28	12,190	25% (3,047)	23.50% (2,864)	30	11	11	35
Lot 29	10,942	25% (2,735)	22.67% (2,480)	30	11	25	35
Lot 30	12,315	25% (3,078)	23.26% (2,865)	30	11	25	35
Lot 31	12,457	25% (3,114)	22.99% (2,864)	30	11	25	35
Lot 32	11,795	25% (2,948)	24.29% (2,865)	30	10	25	35
Lot 33	12,600	25% (3,150)	23.41% (2,950)	30	11	25	35
Lot 34	13,567	25% (3,391)	21.11% (2,864)	30	10	25	35
Lot 35	12,267	25% (3,066)	23.36% (2,865)	30	10	25	35
Lot 36	12,027	25% (3,006)	23.81% (2,864)	30	11	25	35
Lot 37	13,200	25% (3,300)	21.71% (2,865)	30	11	11	35

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ACCESSORY BUILDING							
Lot / Parcel	Preliminary Rear Yard Area (s.f.) (calculated from line of furthest projection, i.e., prelim. deck line, to prelim. rear lot line on all lots)	Max. Allowable Rear Yard Coverage (based on prelim. rear yard area calculation)	Preliminary Rear Yard Coverage	Min. Setbacks (ft.)			Max. Height (ft.)
				Front	Side	Rear	
R-90 STANDARDS BY RIGHT		25%		<i>All accessory bldgs must be located in rear yard</i>	3	3	15
Parcel 1 (Ice House)	20,192	N/A	0%	Outside rear yard	37	75	< 15
Lot 1 (Stable)	14,758	N/A	14.33% (2,115)	In rear yard	10	8	25
Lot 2	2,876	25% (719)	19.16% (551)	Outside rear yard	3 or >	3 or >	18
Lot 3	2,964	25% (741)	18.59% (551)	Outside rear yard	3 or >	3 or >	18
Lot 4	2,818	25% (704)	19.55% (551)	Outside rear yard	3 or >	3 or >	18
Lot 5	3,209	25% (802)	17.17% (551)	Outside rear yard	3 or >	3 or >	18
Lot 6	3,108	25% (777)	17.73% (551)	Outside rear yard	3 or >	3 or >	18
Lot 7	3,818	25% (954)	14.43% (551)	Outside rear yard	3 or >	3 or >	18
Lot 8	7,005	25% (1,751)	7.87% (551)	Outside rear yard	3 or >	3 or >	18
Lot 9	3,801	25% (950)	14.50% (551)	Outside rear yard	3 or >	3 or >	18
Lot 10	4,078	25% (1,019)	13.51% (551)	Outside rear yard	3 or >	3 or >	18
Lot 11	2,380	25% (595)	23.15% (551)	Outside rear yard	3 or >	3 or >	18
Lot 12	3,988	25% (997)	13.82% (551)	Outside rear yard	3 or >	3 or >	18
Lot 13	3,009	25% (752)	18.31% (551)	Outside rear yard	3 or >	3 or >	18
Lot 14	3,145	25% (786)	17.52% (551)	Outside rear yard	3 or >	3 or >	18
Lot 15	3,002	25% (750)	18.36% (551)	Outside rear yard	3 or >	3 or >	18
Lot 16	2,354	25% (588)	23.41% (551)	Outside rear yard	3 or >	3 or >	18
Lot 17	3,858	25% (964)	14.28% (551)	Outside rear yard	3 or >	3 or >	18
Lot 18	3,931	25% (982)	14.02% (551)	Outside rear yard	3 or >	3 or >	18
Lot 19	6,297	25% (1,574)	8.75% (551)	Outside rear yard	3 or >	3 or >	18
Lot 20	6,792	25% (1,698)	8.11% (551)	Outside rear yard	3 or >	3 or >	18
Lot 21	3,669	25% (917)	15.02% (551)	Outside rear yard	3 or >	3 or >	18
Lot 22	3,410	25% (852)	16.16% (551)	Outside rear yard	3 or >	3 or >	18
Lot 23	3,652	25% (913)	15.09% (551)	Outside rear yard	3 or >	3 or >	18
Lot 24	3,440	25% (860)	16.02% (551)	Outside rear yard	3 or >	3 or >	18
Lot 25	4,353	25% (1,088)	12.66% (551)	Outside rear yard	3 or >	3 or >	18
Lot 26	3,188	25% (797)	17.28% (551)	Outside rear yard	3 or >	3 or >	18
Lot 27	3,116	25% (779)	17.68% (551)	Outside rear yard	3 or >	3 or >	18
Lot 28	3,531	25% (882)	15.61% (551)	Outside rear yard	3 or >	3 or >	18
Lot 29	2,217	25% (554)	24.85% (551)	Outside rear yard	3 or >	3 or >	18
Lot 30	3,472	25% (868)	15.87% (551)	Outside rear yard	3 or >	3 or >	18
Lot 31	3,554	25% (888)	15.50% (551)	Outside rear yard	3 or >	3 or >	18
Lot 32	3,641	25% (910)	15.13% (551)	Outside rear yard	3 or >	3 or >	18
Lot 33	2,214	25% (553)	24.89% (551)	Outside rear yard	3 or >	3 or >	18
Lot 34	3,388	25% (847)	16.26% (551)	Outside rear yard	3 or >	3 or >	18
Lot 35	4,253	25% (1,063)	12.96% (551)	Outside rear yard	3 or >	3 or >	18
Lot 36	2,922	25% (730)	18.86% (551)	Outside rear yard	3 or >	3 or >	18
Lot 37	2,953	25% (738)	18.66% (551)	Outside rear yard	3 or >	3 or >	18

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Loislerman
Sotter Associates, Inc.
1390 Placent Drive, Suite 180 Rockville, MD 20850 (301) 948-2750 (301) 948-9067
Engineering Planning Surveying Environmental Solutions www.LSAssociates.net

	DESIGNED	_____	APPROVED	_____	DATE	_____
	TRACED	_____				
	CHECKED	_____				

DEPARTMENT OF PUBLIC WORKS
CITY OF
ROCKVILLE
MARYLAND AT VISION ROCKVILLE, MARYLAND

DATE PROJECT STARTED	_____
DATE PROJECT COMPLETED	_____
DATE ACCEPTED BY CITY	_____
DATE TRANS. TO FINANCE	_____
DATE TO BE TOWN	_____

ALL BUILT COMPLETED	_____	DATE	_____
	DATE	_____	_____

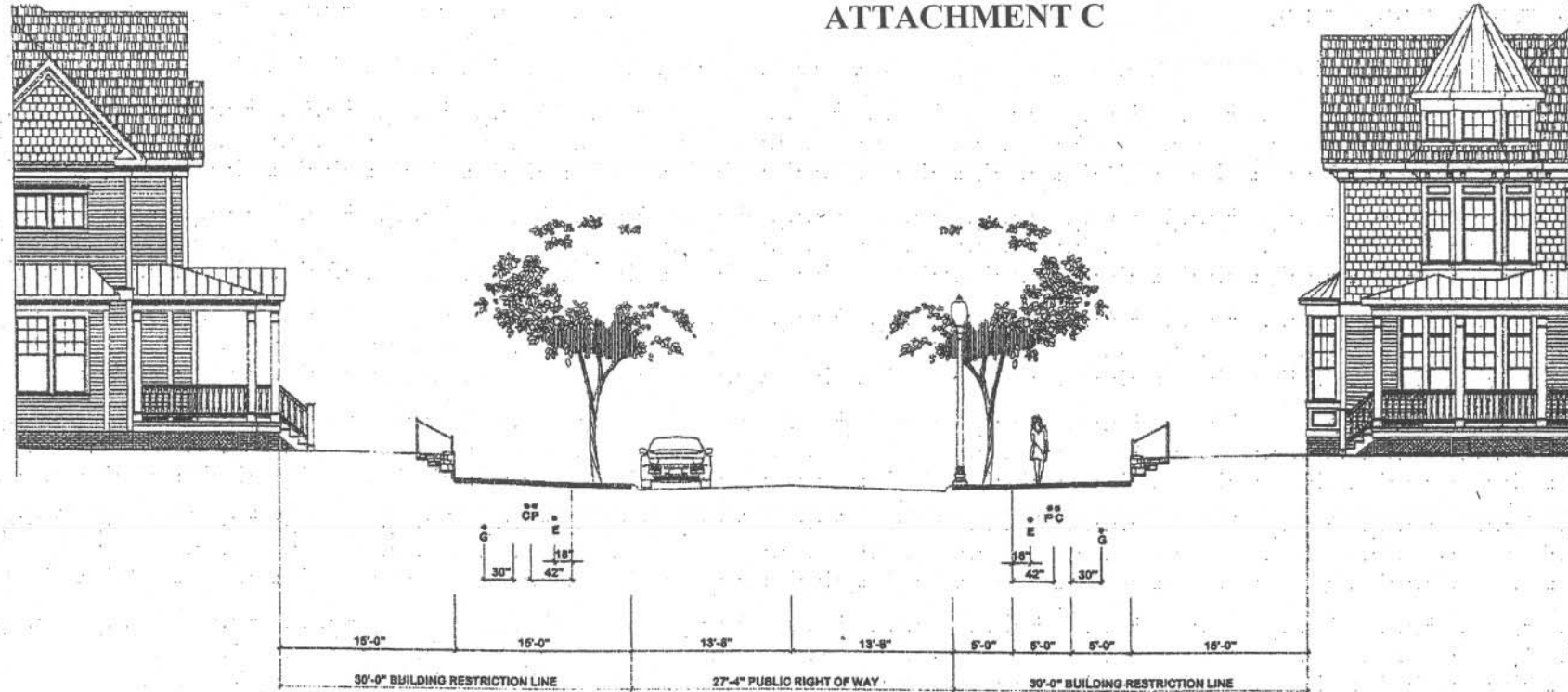
SIDE LOT
WAIVER EXHIBIT

CHESTNUT LODGE
CITY OF ROCKVILLE, MD
4TH ELECTION DISTRICT

NO.	REVISIONS	DATE	FILE
1	DATE	JULY 25, 2005	
2	SCALE	1"=50'	
3	DRAWING	NO. 1	
4	OF	1	

ATTACHMENT C

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STREETSCAPE SECTION

LEGEND

- C = Cable
- E = Electrical
- G = Gas
- P = Phone

- The public street in the single family portion of the property will be within a 27 foot 4 inch wide right-of-way and provide 26 feet of paving. Outside the public right-of-way, the Application proposes two typical sections. The first proposes a five foot wide planting strip (measured from the rear of the proposed curb), a five foot wide brick paver sidewalk, and an additional 5 foot planting strip will contain the gas line. These areas and improvements will be subject to a utility and maintenance easement, PUE. The second typical section pertains to lots inside the street loop. The Application proposes to provide a 15 foot planting strip (measured from the rear of the proposed curb) which will be subject to the PUE and the gas and maintenance easement. A five by eight foot brick paver pad will be installed behind the curb to provide a landing for the lead walks to and from the homes. A two to three foot high landscape stone wall will be constructed on each of the lots adjacent to, but outside the 15 foot PUE. Standardized mail boxes will be placed at the curb for all houses. A rear alley will provide access to garages on lots 2 through 7 and will consist of 15 feet of pavement. The alley will be located within a 17 foot easement on the lots and will be maintained by the HOA.



Zimar & Associates, Inc.

*10105 Residency Road
Suite 207
Manassas, VA 20110
703.331.3731 Fax: 703.331.1359*

Thursday, July 21, 2005

Mr. Rob Baker
Chestnut Lodge Properties, Inc.
7979 Old Georgetown Road
Suite 800
Bethesda, MD 20814

RE: Road alignment, Thomas Street improvements, and future ownership of historic landscape at Chestnut Lodge Community

Dear Mr. Baker:

This letter is in response to your request for my thoughts and opinions regarding the proposed entrance road alignment, Thomas Street improvements, and future ownership of the historic landscape at Chestnut Lodge. Following are my comments.

Road Alignment

The road alignment that has been proposed was developed based on the desire to preserve as many of the existing trees as possible. To that extent, you hired Zimar & Associates to evaluate the tree resources and aid in the development of an alignment that would accomplish this desire. Indeed, that is how the current alignment was developed. Some of the points we considered during very early discussions prior to any alignments being proposed include:

1. To preserve as many of the highest priority trees as possible. These are trees of historical significance. (i.e. they date back to the Hotel use and origins of the property.) and they are of good enough health and condition to expect them to survive and become a viable part of the landscape.
2. To avoid altering the landscape character of the front of the property and preserve its views and vistas.
3. To reduce the total amount of tree removal necessary while utilizing the entrance from West Montgomery Avenue.
4. To save the 40" diameter American elm (*ulmus Americana*) that is one of the nicest trees on the site. It is entirely possible that Dr. Frieda Fromm-Reichmann herself was

familiar with this tree. It is, in my opinion, an important part of preserving the environmental setting of Frieda's Cottage.

Based on our recommendation, in conjunction with other factors, the eastern alignment was chosen. It became readily apparent that any consideration of an alignment to the west of the Lodge would result in the removal of many more trees. You suggest it might be twenty three trees versus the current alignment removing only six, though I expect it would be more, given the density of overstory trees on the west side of the site. A road alignment on the west side of the site would severely affect the character and views and was not seriously considered as an option by me, given the priority of saving trees.

You are also correct that moving the road alignment further east would likely jeopardize the American elm that I previously mentioned. We will need to study this area carefully in any event to insure the tree's protection. We must try not to move anything closer to this tree and we will need to remain intimately involved in the final engineering related to its preservation. Any thought of getting closer to it is a bad idea, if this tree is truly a priority.

It is a rare pleasure for our firm to be as involved as we have been in determining placement of major improvements and selection of resources for retention. I cannot speak to the importance of the historic structures. However, I can unequivocally state that the alignment we have chosen has maximized the retention of tree and landscape elements important to the historical context of the site. Furthermore, it provides an opportunity for these resources to remain a dominant and valuable asset to the new community. The decisions that have been made by this incredibly talented and credentialed team thus far pertaining to the preservation of trees are sound and well conceived. I hope any consideration for relocating the road will continue to consider the many difficulties already researched and discussed prior to selection of its current alignment.

Thomas Street Improvements

Regarding the Thomas Street improvements, it is obvious that the treatment that will save the most trees is that which requires the least grading on the west side of the street. The only option that will preserve the Thomas Street landscape and trees in a similar condition to today is to not widen the road, maintain its current alignment and install no improvements. Options two and three without any sidewalk on the Thomas Street side are the least destructive to trees and landscape on the Chestnut Lodge site, but will still result in substantial impact to trees. Option 1 that includes a sidewalk on the west side is the most destructive to trees.

Option one, street section with a sidewalk, will result in the potential removal of thirty-six trees identified on the plan. These removals will be due to the widening of the street and the installation of curb and gutter and sidewalk. This includes the removal of some of sixteen medium to high priority trees.



Options two and three will potentially require the removal of up to twenty-one trees; identified on the plan. These removals will be caused by the widening of the road and the installation of a ditch section and grading. This includes the removal of ten medium to high priority trees.

The primary factors influencing the disposition of trees along Thomas Street include:

1. Space taken up by widening the street cross section
2. space taken up by curb and gutter and sidewalk
3. space taken up by drainage swale
4. Excavation and grading necessary to accomplish any of the alternatives

Modification of any of the factors may influence the outcome for any particular tree. In General, any tree within three- five feet of the ultimate limit of disturbance will likely require removal. Any tree with root zone within the area of disturbance will be affected.

Future Ownership of Historic Landscape

With regard to the future ownership of the Historic Landscape fronting West Montgomery Avenue and surrounding the existing lodge, it is my opinion that the only viable alternative to insure adequate care over the long run is for it to remain private. I render this opinion for the following reasons:

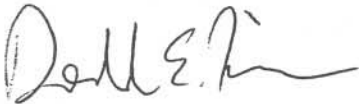
1. It is important that public use in this area be limited now and into the future. Excessive traffic, even pedestrian, can only cause damage over the long run that is difficult to mitigate. I have worked on numerous small "pocket parks" in densely populated areas. Many of them have attained soil characteristics the consistency of brick. If this area becomes public, it is highly unlikely that the City will be able to limit access to the public at large. Excessive use would be to the detriment of the landscape. The area should remain private if public use is to be restricted in order to protect the trees.
2. It is rare that a public entity can provide the level and consistency of landscape service that this project demands. We are proposing a number of treatments and programs for individual trees that must be performed on an annual or other periodic basis. If any of these programs are cut for any reason, a number of trees will suffer. If it is determined that this area will become public, we may need to re-evaluate some of the program elements and simplify the plans we develop. These trees are old and many have suffered from lack of care in the recent past. They need a special program implemented to a higher standard than normally associated with a public park, particularly if they are to remain a part of the historic fabric. Is the City prepared to budget \$125,000 to \$150,000 annually in order to maintain the trees and grounds in the historic area with a reasonable level of care expected by the residents?
3. From a safety standpoint, the treatment of this area should ultimately rest with the owners. Often times, jurisdictional authorities must prioritize risk in such a manner that they cannot respond to correct hazardous conditions in a timely manner. They seldom have the resources to inspect and identify potential risks, let alone correct

them. Private ownership of this type almost always does a better job of identifying and correcting hazards than do public entities.

4. Chestnut Lodge Properties is proposing an overall landscape program that provides the new owners with a detailed management and maintenance plan that provides a landscape consistent with the value of the condominiums. It is exceedingly doubtful that the City will be willing to allocate a level of resources suitable to meet these owner's expectations. One moving into a million dollar condominium expects the landscape to be maintained at a Country Club Level, not that consistent with a local park.
5. Even if the City were able to commit to this level of service initially, what would happen when City budgets tighten? Parks and trees are typically one of the first areas to be cut. There is no way to guarantee long-term consistency in the way this area is treated when politics are involved.
6. There is a huge potential for conflict between the condominium owners and the City if the City takes possession and maintains the area. It is very likely that the management objectives of the City and the residents will conflict in many respects. They live there; they should maintain it to their level of high expectations.

For these reasons, I firmly believe that it is in the best interest of the City and Chestnut Lodge for this area to remain and be maintained privately. They are simply more likely to apply the resources necessary to maintain to their expectations in perpetuity.

Respectfully,



Donald E. Zimar
President



Attachment 3

City of Rockville

MEMORANDUM

July 29, 2005

TO: Scott Ullery, City Manager

VIA: Art Chambers, Director Community Planning and Development Services
Jim Wasilak, Chief of Planning

FROM: Cindy Kebba, Preservation Planner

SUBJECT: HDC Review Comments on Chestnut Lodge Exploratory Plan

On July 21, the Historic District Commission approved, with conditions, application HDC2005-00336 for demolition of the Upper Cottage and reconstruction of the Stable and Icehouse on the Chestnut Lodge site as part of Exploratory Plan PRU2005-00022. The approval letter for this application is attached.

In addition, the HDC reviewed the Exploratory Plan to the extent that it has impacts on the portions of the site that are within historic districts. The HDC recommends approval of the Exploratory Application as it follows the majority of the Chestnut Lodge Design Guidelines. Specifically, the HDC found that the Plan preserves the Hotel/Lodge building as the dominant feature on the property and presents an excellent plan to rehabilitate and reuse this building; preserves six of the seven historic structures; and retains the open vistas at the front of the property.

The HDC found that the proposed alignment of the road (Bullard Circle) that will access the new housing development is the best possible alternative toward protecting the majority of historic resources and in following the majority of the Design Guidelines. The proposed road avoids the dense mature trees on the west side of the property; avoids mature trees on the east side, including a healthy American elm that is situated between Frieda's Cottage and the Upper Cottage; and avoids harming the site integrity of both Frieda's Cottage and the Lodge, which are the site's primary historic structures. Entrance to the new development is sited directly behind the Lodge and is hidden from West Montgomery Avenue view.

The HDC recommends a modified curb design for the new road within the historic district that would be more sensitive to the historic setting than a typical curb and gutter configuration. Substantial landscaping along this new road is not recommended if it would further block views of the Lodge and Frieda's Cottage from West Montgomery Avenue and Thomas Street.

Similarly, the HDC prefers that no landscape buffer be installed along the property boundaries within the historic districts because traditional views of the property would be compromised. The HDC is in favor of a single brick sidewalk within the historic district, rather than sidewalks on both sides of the road, in order to limit the amount of paving. The current HDC policy is for brick sidewalks to be used within historic districts.

The HDC prefers that a sidewalk on the west side of Thomas Street be limited to the southern end of the street, in front of the three new houses that will front Thomas Street and in front of Frieda's Cottage, and that it then tie into the walkway that connects Frieda's Cottage to the Lodge. The HDC prefers that this Thomas Street sidewalk not be continued all the way to West Montgomery Avenue as it would likely have a negative impact on the existing trees along the eastern perimeter of the property and because there is already a sidewalk along the east side of this portion of Thomas Street.

The HDC believes that multifamily residential use is an appropriate reuse for the Lodge and finds that the applicant's concept for a rear addition and underground parking will not have a negative impact on the structure or site. An HDC Certificate of Approval will be required for the addition and other exterior alterations to the building.

The HDC is in favor of retaining Frieda's Cottage and transferring title to a non-profit organization, specifically Peerless Rockville. The HDC voiced concerns about the physical alterations that would be required for this building and its site if it were to be re-used as a museum or other public facility. The HDC noted that the best possible use for historic buildings is to continue the use for which they were originally intended. In the case of Frieda's Cottage, the HDC agreed with Eileen McGuckian, Executive Director of Peerless Rockville, that the best use would be a single-family residence. The HDC encourages creativity in allowing this use to continue, understanding that it would increase the overall residential density of the development to 45 units. The HDC also encourages the use of interior and exterior easements to preserve this building and waiving the front setback requirement as it is an existing condition.

The HDC is in favor of transferring title of the Rose Hill Barn at the far southern end of the property and within the Rose Hill Farm Historic District, to the owners of Rose Hill Mansion and supports a waiver of the front setback development standard, as it too is an existing condition.

The HDC is in favor of the architectural concepts and detached garages for the 36 new houses and finds that these concepts are compatible with the abutting historic districts. The HDC will review the architectural plans for the new houses and garages at the detailed stage of the application.

Exterior alterations of all buildings that are retained in the historic districts will require HDC review and Certificate of Approval. The HDC requests assurance that all historic buildings that

Page 3
July 29, 2005

remain on the site are adequately maintained and that any deferred maintenance is corrected as soon as possible.

cc: Historic District Commission
Planning Commission
Morton H. Levine, Chestnut Lodge Properties, Inc.
Jody Kline, Miller, Miller & Canby
Soo Lee-Cho, Miller, Miller & Canby
Rebecca Torma, Planner II

Attachment: Certificate of Approval letter for HDC2005-00336



City of Rockville
111 Maryland Avenue
Rockville, Maryland
20850-2364
www.rockvillemd.gov

Community Planning and
Development Services
240-314-8200
TTY 240-314-8137
FAX 240-314-8210

Historic Preservation Office
240-314-8230

Inspection Services Division
240-314-8240

Long Range Planning
Division
240-314-8200

Planning Division
240-314-8220

Revitalization/Housing
Division
240-314-8200

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CITY ATTORNEY
Paul T. Glasgow

July 22, 2005

Mr. Morton H. Levine
Chestnut Lodge Properties, Inc.
7979 Old Georgetown Road
Bethesda, Maryland 20814

Dear Mr. Levine:

On July 21, 2005, the City of Rockville Historic District Commission (HDC) reviewed and approved application HDC2005-00336 to: 1) demolish the Upper Cottage and 2) re-construct the Icehouse at the Chestnut Lodge property at 500 West Montgomery Avenue. At the HDC meeting, your representatives withdrew requests to demolish the Stable and to relocate the Icehouse.

The approvals for the Upper Cottage demolition and the reconstruction of the Icehouse are subject to the following conditions:

Upper Cottage:

1. A demolition permit may not be issued for any structures within the historic districts before and unless the Mayor and Council approves the Exploratory Application (PRU2005-00022) as submitted with regard to the new road alignment and the Planning Commission approves the PRU Detailed Application. The timing of the demolition must be consistent with a development phasing plan that is to be submitted to and approved by City planning staff.
2. The Upper Cottage must be fully documented before any demolition occurs. A photographic record that includes scale must be made as part of the site inventory work. Documentation must be approved by the HDC prior to issuance of a demolition permit.
3. All trees in the vicinity must be fully protected throughout the demolition phase as specified by the City Forester.

Icehouse:

1. The applicant must retain the current siting or submit a Certificate of Approval application for a new site for the reconstructed icehouse on the Lodge Parcel #1 or between the Lodge and the Little Lodge which is subject to approval by the HDC.
2. A Certificate of Approval application, including all required documentation (to Maryland Historical Trust standards) must be submitted for approval by the HDC before the icehouse is dismantled. An archeological survey of the

icehouse pit is required and the scope of this survey must be approved by HDC staff.

3. The icehouse may not be dismantled before the Planning Commission final approval of the detailed application of the PRU and dismantling of the icehouse must be consistent with a development phasing plan that is approved by planning staff.

This letter serves as your Certificate of Approval. Your attention is directed to Section 25-236 of the City of Rockville Zoning and Planning Ordinance which specifies that this Certificate of Approval becomes void if the work has not commenced within two (2) years of the date of approval. For good cause shown, the Historic District Commission may grant two one-year time extensions.

Sincerely,



Cynthia N. Kebba
Preservation Planner

Please sign this letter of approval and return one copy to the Department of Community Planning and Development Services, Rockville City Hall, 111 Maryland Avenue, Rockville, MD 20850.

Applicant's Signature

Applicant's Name Printed

cc: Arthur Chambers, Director, Community Planning and Development Services
R. James Wasilak, Chief of Planning
✓ Rebecca Torma, Planner
Susan Nolde, City Forester
Jody S. Kline, Miller, Miller & Canby
Soo Lee-Cho, Miller, Miller & Canby
Rockville Historic District Commission



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Public Works Operations
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Catherine Tuck Parrish

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Claire F. Funkhouser

CITY ATTORNEY
Paul T. Glasgow

October 15, 2004

Mr. Dan Pino
Loiederman Soltesz Associates
1390 Piccard Drive
Rockville, Maryland 20850

Subject: Chestnut Lodge
Stormwater Management Concept
SMP2005-00002

Dear Mr. Pino: *Dan*

Your stormwater management (SWM) concept dated July 9, 2004 for Chestnut Lodge is conditionally approved. The Chestnut Lodge site is 22-acres and is located adjacent to West Montgomery Avenue (MD28) and east of I-270. The proposed development will demolish several building structures; construct 36 single-family dwelling units and roads. Two stormwater ponds, Great Falls and Bullards Park, located within the Rose Hill community, are providing Stormwater management.

The proposed development will result in 5.45 acres of imperviousness requiring SWM. Additionally, SWM will be required for adjacent rights-of-way (Thomas Street and West Montgomery Avenue). The SWM concept proposes the following measures:

1. Channel Protection Volume (Cp_v) and Water Quality Volume (WQ_v) for the entire drainage area will be provided via the reconstruction of the Great Falls and Bullards Park ponds within the Rose Hill community.
2. Recharge volume will be provided within each existing forebays by either sand trenches or filter beds.
3. Stormwater management credit is being requested for the area draining toward West Montgomery Avenue.
4. The stormwater management facilities are controlling off-site runoff; therefore, a request has been made that both ponds be publicly maintained.

This SWM concept is approved subject to the following conditions, which must be addressed at the detailed engineering stage:

1. Provided that both ponds are upgraded to 2000 guidelines and the ponds provide treatment [Channel Protection Volume (Cp_v), Water Quality Volume (WQ_v) and Overbank Flood Protection (Qp_{10})] for the entire contributing drainage area, the City will assume ownership and maintenance of these facilities;

Attolica
PRU2005-00
Attachment 4

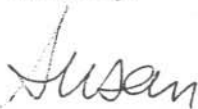
2. The stormwater management ponds shall provide Overbank Flood Protection (Qp₁₀) for the contributing drainage areas;
3. The drainage area maps and computations shall reflect the proposed development plan and existing field conditions;
4. Detailed calculations of imperviousness shall be provided for the contributing drainage areas;
5. Prior stormwater management waivers approved by the Department of Public Works on the Chestnut Lodge property are no longer valid. Your computations (detailed engineering) must be revised to include management of these areas;
6. All existing pond computations shall be based on approved as-built (surveyed) drawings;
7. Stormwater management shall be provided for all adjacent rights of way (Thomas Street and West Montgomery Avenue);
8. The ponds shall treat 1-inch of water quality over the entire contributing drainage area;
9. Staff supports the idea of using stormwater credits for management of imperviousness located in the Historic District. However, since the concept submission did not address specific details on these credits, staff will review the SWM credit issue at the time of detailed engineering at which time we may or may not approve;
10. Provide further documentation of existing ponds where recharge in the forebays was approved by other jurisdictions. Also, provide justification that recharge in the forebays will be practical;
11. If staff does not approve of recharge in the forebays, either full water quality treatment will be required or upstream recharge will be recommended;
12. Perform a storm drain study to ensure existing pipes adjacent to the project site have capacity to carry the storm flows from your development;
13. Post financial security based on the approved construction estimates in a format acceptable to the City Attorney. Approval is coordinated through Public Works staff;

Mr. Dan Pino
Loiederman Soltesz Associates
October 15, 2004
Page 3

14. Submit a Rockville stormwater management permit application, permit fees, and SWM Database Sheet associated with the SWM plans;
15. Provide safe conveyance of storm flows;
16. Lot to lot drainage must be minimized and lawns shall be grading at a minimum of 3%;
17. Rose Hill community must agree to the pond modifications and agree to convey both ponds to Rockville for future ownership and maintenance.

If you have any questions, please contact John W. Hollida, Civil Engineer II, of my staff at 240-314-8513.

Sincerely,



Susan T. Straus, P.E.
Chief Engineer/Environment

STS/JWH/akm

cc: Bob Spalding, Chief of Planning
Mark Wessel, Civil Engineer III
John W. Hollida, Civil Engineer II-Environment
Permit Plan
Day File



City of Rockville
MEMORANDUM

August 30, 2005

TO: Rebecca Torma, Planner II
FROM: Sandra Marks, Civil Engineer I *SM*
VIA: Larry Marcus, Chief, Traffic & Transportation Division *LM*
Mark Wessel, Civil Engineer III *MW*
SUBJECT: Transportation Staff Report
Chestnut Lodge, PRU2005-00022

This memorandum presents the Traffic and Transportation Division's recommendations on the subject development application, PRU2005-00022. These recommendations incorporate and address comments and concerns expressed by City and State staff, and the Applicant as part of the review process. Comments from the adjacent homeowner's associations will be provided in the final recommendations to the Planning Commission.

SITE ANALYSIS

The proposed development program consists of 37 new single family detached units (SFDUs) and 7 luxury condominium units, for a total of 44 new residential units on the Property. The proposed project is generally located on the south side of West Montgomery Avenue immediately west of Thomas Street. Access to the site is planned via a single secondary public road that aligns with Laird Street at the existing signalized intersection with West Montgomery Avenue (MD28).

Roadway Network Analysis

The focus of the study included the following intersections:

1. West Montgomery Avenue (MD28)/Nelson St./I-270 Off-Ramp
2. West Montgomery Avenue (MD28)/Laird Street/Site Driveway
3. West Montgomery Avenue (MD28)/Great Falls Road
4. MD 28/Maryland Avenue
5. Great Falls Road/Maryland Avenue

These intersections were studied for four different scenarios:

- a. Existing Year Traffic Conditions/Existing Roadway Network;
- b. Background Traffic Conditions/Existing Roadway Network;

TO: Rebecca Torma, Planner II
PRU2005-00022
August 30, 2005
Page 2

- c. Total Traffic (i.e., w/subject property developed)/Site Roadway Network); and
- d. Total Future Traffic Conditions with Mitigation/Site Roadway Network.

The trip generation for the site is outlined below:

	<u>AM</u>	<u>PM</u>
37 SFDUs	35	41
7 Luxury Condominiums	3	3
<i>Total New Trips</i>	38	44

Traffic generated by the Chestnut Lodge development has a traffic impact as defined by the CTR Methodology at three of the five intersections analyzed in either the AM or PM peak period:

- a. West Montgomery Avenue (MD28)/Nelson St./I-270 Off-Ramp (PM)
- b. West Montgomery Avenue (MD28)/Laird Street/Site Driveway (AM)
- c. West Montgomery Avenue (MD28)/Great Falls Road (AM and PM)

The developer intends to construct a two-lane outbound approach to West Montgomery Avenue, which will facilitate egress from the site.

Access and Circulation On-Site

- A. Passenger Vehicle: There is one public access point to the proposed site opposite Laird Street at West Montgomery Avenue/MD28. There is one proposed emergency access lane at Autumn Wind Way. There is an internal public loop road serving the homes on the rear portion of the property.

A proposed private alley that is connected to the main public road will provide vehicular and garage access to 6 of the houses.

- B. Heavy Vehicle (Truck & Bus): Staff has reviewed the truck circulation through the site and adequacy of loading areas. Normal residential deliveries and trash pickups will occur on site.
- C. Pedestrian and Bicycle Access and Circulation: Pedestrian access to the site is provided by brick sidewalks through the historic section of the property on the site access driveway. There will be sidewalks on both sides of the internal loop road.

Staff will require that the Applicant clearly mark all crosswalks and provide adequate pedestrian safety through the site.

Bicycle access will be provided on-street within the development. The Applicant will be required to provide bicycle parking spaces for the condominium units in the Lodge building.

Multi Modal Off-Site Access

The Comprehensive Transportation Review (CTR) requires the applicant to study multi-modal access and safety in the multi-modal study area.

- A. Pedestrian: The CTR requires the applicant to identify missing sidewalk links from the site to one activity center within .35 miles of the site for a project of this size outside a Transit Oriented Area. There are a number of missing sidewalk links in the West End neighborhood connecting the site to Beall Elementary School. The applicant will be required to construct sidewalks on the west side of Laird Street from West Montgomery Avenue to Anderson Avenue, on the west side of Luckett Street from Anderson Avenue to Beall Avenue, and on Harrison Street between Forest Avenue and N. Van Buren Street.

In addition, the CTR requires the applicant to bring the intersection safety rating of all intersections in the study area up to a minimum score of 'adequate'. The applicant will be required to upgrade the pedestrian infrastructure at their site entrance and at the intersection of Great Falls and MD 28.

- B. Bicycle: The CTR requires that the applicant identify and construct any missing bikeway facilities identified in the Bikeway Master Plan that are on the site frontage. There are no Bikeway Master Plan facilities identified on the site frontage.
- C. Transit Access: Pedestrians and bicyclists can access transit service immediately adjacent to the site along West Montgomery Avenue/MD28. A bus shelter is located on the south side of West Montgomery Avenue immediately east of the site entrance. The applicant will be required to contribute towards a bus shelter adjacent to their site on MD 28.

As per guidance from the Mayor and Council to provide equal services to all residents of Rockville, City policy requires that the Applicant dedicate ROW from one foot behind the sidewalk so that all roadway, curb and gutter, sidewalks, driveway aprons and trees would be maintained by the City. In addition a ten-foot PUE, without any structures, must be provided behind the ROW. The Applicant expressed a desire for upgraded brick sidewalks, not generally maintained by the City outside of the historic district, and decorative walls to create a unique sense of community. The decorative walls proposed by the Applicant create an obstacle to the ten-foot PUE behind the ROW.

Public Input

As required by the approved CTR guidelines, the adjacent neighborhood associations and the Traffic and Transportation Commission have been notified of this development and the study area. In addition, the mitigation proposal was presented to the adjacent neighborhood associations prior to action by the Planning Commission.

CONDITIONS OF APPROVAL

Based on staff review, which took into account the needs of motorists, bicyclists, pedestrians and transit users, and in order to mitigate the potential transportation impacts, City Staff recommends the following conditions of approval for the subject development application, PRU2005-00022.

1. The Applicant shall execute a Transportation Demand Management (TDM) agreement with the City of Rockville before the issuance of a building permit. This agreement will require the Applicant to make an annual contribution of sixty dollars (\$60) per market-rate dwelling unit for a period of ten years (44 Dwelling Units * \$0.60 = \$2,640/year). These funds will be used for various programs designed to reduce the number and impact of vehicle trips within the planning area. The TDM agreement will specify the timing and other requirements of future payments of the TDM fee. This sum will be incorporated to the TDM program funds of the City.
2. The Applicant shall construct the following off-site improvements per DPW requirements prior to issuance of the first occupancy permit:
 - a. Upgrade the west side of Laird Street from West Montgomery Avenue to Anderson Avenue to include curb and gutter and drainage improvements, driveway aprons, a five foot sidewalk and associated buffer per DPW requirements.
 - b. Construct a five foot sidewalk and associated buffer on the west side of Luckett Street from Anderson Avenue to Beall Avenue.
 - c. Construct a five foot sidewalk and associated buffer on Harrison Street between Forest Avenue and N. Van Buren Street.
3. All internal and external traffic control devices (i.e., signs, signals, marking, and devices placed on, over or adjacent to a roadway or pathway to regulate, warn, or guide pedestrians and/or vehicular traffic) shall comply with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD). A signing and pavement-marking plan shall be submitted to the Department of Public Works and approved by the Chief of Traffic & Transportation before the issuance of a Public Works Permit.
4. A bus shelter shall be implemented at the existing bus stop on the north side of W. Montgomery Avenue at Laird St., or a contribution of \$6,500.00 shall be paid to the City's Bus Shelter CIP for installation of a bus shelter in the vicinity of the development.
5. Bicycle lockers with 5 bicycle parking spaces, shall be provided for the condominium units at a safe and convenient location as approved by the Traffic and Transportation Division.
6. The Applicant shall contribute \$6,000 toward the upgrade of the existing traffic signals to include pedestrian countdown signals (12 signal heads * \$500/each) at W. Montgomery Ave. and Great Falls Rd and W. Montgomery Ave. and Laird St.
7. The Applicant shall provide a 6-foot pedestrian connection between Bullard Circle and Thomas Street.
8. Prior to issuance of first occupancy permit for homes fronting on Thomas Street, the Applicant shall upgrade both sides of Thomas Street along the entire length from West Montgomery to the dead end. This upgrade will include curb and gutter and drainage improvements, driveway aprons, a five foot sidewalk and associated buffer on one or both

TO: Rebecca Torma, Planner II
PRU2005-00022
August 30, 2005
Page 5

sides of the street per DPW requirements. Final design to be approved during detailed engineering.

9. ROW shall be dedicated from one foot behind the sidewalk to one foot behind the sidewalk and will include the roadway section, curb and gutter, driveway aprons, 7-foot tree lawn and sidewalk. A ten foot PUE must be provided behind the ROW and may not include any permanent structures.
10. Revise sidewalk on east side of access drive to accommodate access to the Lodge as shown on plans.

cc: Jim Wasilak, Chief of Planning
Susan Straus, Acting Director of Public Works
Katherine Kelly, Transportation Planner



City of Rockville

MEMORANDUM

8/5/05

TO: Rebecca Torma
FROM: Craig Daly
SUBJECT: Chestnut Lodge - Stormwater Management Staff Report

Stormwater Management

The approved stormwater management (SWM) concept proposes to retrofit two stormwater management ponds, Great Falls and Bullards Park, located within the Rose Hill community. The stormwater management retrofit for these two ponds is intended to provide channel protection volume, water quality volume and recharge volume for the proposed development in accordance with the latest Maryland Department of the Environment's (MDE) regulations and guidelines as detailed in the 2000 Maryland Stormwater Design Manual. The concept also proposes that the portion of the proposed development located within the historical district be treated using stormwater credits as outlined in the 2000 Maryland Stormwater Design Manual. As part of the concept a request was made that both ponds within the Rose Hill community be publicly maintained.

In general the stormwater concept, as proposed, is acceptable to the staff. The concept of using SWM credits for the imperviousness located within the historical district is acceptable, however, since the concept did not address specific details of these credits staff will review SWM credit issue at the time of detailed engineering at which time approval may or may not be given. The Rose Hill community must agree to the pond modifications and agree to convey both ponds to Rockville for future ownership and maintenance if the proposed pond upgrades are found to be acceptable with city staff.

The proposed site grading indicates that most of the drainage leaving this site will be captured within a storm drain system. There are two small areas located on the north-west and south-west portions of the proposed development that may result in drainage entering adjacent lots. Discussion with the Developer's engineer indicated that this will be corrected during detailed engineering. Staff will review the site grading and will provide approval based on the detailed engineering review.

2. The receiving pipes sanitary sewers must be checked for capacity during detailed engineering. City staff will provide existing flow capacity within the receiving sanitary sewer at this time.
3. All utilities, water, sewer, and storm drains must be placed within maintenance easement to be determined during detailed engineering. No structures or improvements will be allowed within these easements.
approval of the stormwater management concept dated October 15, 2007.
5. Site grading will be approved during detailed engineering.

LAW OFFICES

MILLER, MILLER & CANBY

CHARTERED

200-B MONROE STREET
ROCKVILLE, MARYLAND 20850

(301) 762-5212
FAX (301) 762-6044

JSKLINE@MMCANBY.COM

September 8, 2005

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ELLEN S. WALKER
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JOSEPH P. SUNTUM
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ROBERT E. GOUGH
GLENN M. ANDERSON
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MICHAEL G. CAMPBELL
SOO LEE-CHO

City of Rockville Planning Commission
Rockville City Hall
111 Maryland Avenue
Rockville, MD 20850

Re: Exploratory Application No. PRU 2005-00022,
Application of Chestnut Lodge Properties, Inc.

Dear Chairman Britton and Members of the Planning Commission:

The project team for Chestnut Lodge enjoyed our extensive discussions with the Planning Commission at your courtesy review conducted on August 15th. We hope that we were able to answer most of your questions and we appreciate the guidance which you provided that will help us focus our formal presentation to the Commission on September 14th.

During the August 15th courtesy review, Commission members had certain questions that the project team was not able to answer at that time. As promised, we are submitting at this time materials that are responsive to those questions, with additional comments and information to be provided at the September 14th public hearing.

I. PERMITTED DENSITY, UNDER THE PRU PROCESS.

Section 24-552 ("Special Development Procedures: Planned Residential Unit Development: Limitation on number of dwelling units") describes the permitted density under a PRU application in the R-S zone to be:

"(a) ...the maximum number of dwelling units that may be approved for a planned residential development shall be an amount determined by dividing the minimum lot size application in each zone within which the development is located into the total number of square feet in each zone contained in the development..."

The entire property is zoned in the R-S zone. The minimum lot size in the R-S zone is 20,000 square feet of land area. The subject property contains 20.4232 acres of land or 889,635

square feet. Therefore, the maximum density permitted for the Chestnut Lodge project is $889,635 \div 20,000 = 44.48$ dwelling units. The Exploratory Application shows 44 proposed dwelling units, consistent with the density permitted under the PRU special development procedures.

II. REDUCED RIGHT-OF-WAY STANDARDS.

A. A reduced right-of-way width of 27 feet 4 inches (measured from back-of-curb to back-of-curb) as proposed by Applicant does not result in a development that is inconsistent with other "R-90 developments" that have been approved by the City through its special development procedures. For example, the relationship of the homes to the street on the Chestnut Lodge site plan (which are setback a distance of 30 feet from back-of-curb) is similar to the Rose Hill subdivision where the homes are setback a slightly lesser distance of 28 feet from back-of-curb. The Chestnut Lodge proposal simply seeks to move the invisible "lot line" forward so to speak so that the public utility easements can be located underneath the sidewalk and grass strip, in front of the 3 foot knee wall located on each lot.

B. An image from "Kentlands" shown at the August 15th meeting elicited a number of questions from Commissioners. The picture displayed turned out to be located on a divided street with a median that caused an atypically wide separation between building facades. Further research confirmed that there is a wide variety of street widths, right-of-way widths and building setbacks within "Kentlands" and adjacent "Lakelands". A tertiary street (27 feet, 4 inches), as proposed by this Applicant, is quite common in Kentlands/Lakelands and is actually one of the wider streets found in the residential areas. Within Kentlands, there are streets with paving of twenty-two and twenty-four feet, approved in the interest of creating intimacy for the neighborhoods they serve. Front yard setbacks vary widely based on type of unit, the Community Design Code for that specific sector of Kentlands or Lakelands, and whether utilities could be provided via alleys in the rear. Twenty feet from the curb to front porch is common; thirty feet of separation is unusual and generous. There is one attractive residence with its front porch within five feet of the property line.

In summary, Kentlands may be an exaggerated version of this Applicant's design concept but it does demonstrate the advantages of reduced width rights-of-way and confronting houses located in closer proximity to each other than found in conventional suburban developments.

III. IMPERVIOUSNESS.

The question was asked if imperviousness would differ under the proposed PRU plan as compared to a plan developed under strict R-90 standards. The short answer is "No!" The only difference between a "straight" R-90 subdivision and the proposed plan is the location of the right-of-way/property line. Therefore, on a "project wide" basis, imperviousness does not increase as a result of use of the PRU special development procedure.

IV. LOT COVERAGE.

The Applicant has determined that, if the right-of-way line was established to accommodate a fifty-two foot public street, lot coverage would exceed the 25% permitted in the R-90 zone but in no instance would any lot exceed 30% in building coverage.

45

V. COMPLIANCE WITH §25-553 ("Limitations and Types of Dwelling Units")

A. Section 25-553 provides that PRU Exploratory Applications that propose multi-family dwelling units should dedicate land for "public park". The Applicant's position on the applicability of this section is based on the following analysis.

1. Applicant has requested that the City waive the requirements of public park dedication pursuant to the provisions in §25-547 ("Waivers or Modifications").

2. Section 25-547 reads in pertinent part as follows:

"Planned residential unit develop may result in a waiver or modification of the requirements of this chapter [Chapter 25, Zoning and Planning] relating to use restrictions, development standards, parking, access and loading requirements, and screening and landscaping requirements in accordance with the standards and procedures herein set forth." (Emphasis added.)

3. Section 25-553 is clearly found within Chapter 25 and is, therefore, eligible for waiver by the City Council.

4. Moreover, §25-558 provides that the resolution of the City Council approving an Exploratory Application for PRU special development procedures "...shall specify the requirements of this chapter that have been waived or modified" without limitation or suggestion that certain sections of Chapter 25 cannot be waived.

5. The clear and plain reading of §25-547 is that the City Council has the authority to waive a public park dedication requirement in the context of a PRU Exploratory Application.

B. Rationale for waiver of the requirements of §25-553.

The provisions of §25-553 which provide for public park dedication in instances when multi-family dwelling units are provided is, presumably, intended to balance the increased density that can be achieved through the provision of multi-family dwelling units. The situation at Chestnut Lodge is distinguishable. Here, due to the guidance provided in the City Master Plan and Chestnut Lodge Design Guidelines, it is clear that the public benefit that accrues from this Applicant's proposal is the preservation, rehabilitation and reuse of existing historic structures that are important to the City of Rockville. Moreover, certain forms of usage of such public park area would be inconsistent with the historical character of the Chestnut Lodge property and the long-term preservation of important features of the property, such as mature but fragile specimen trees. In summary, the public benefit that is intended to be achieved by provision of open space through the application of §25-553 is achieved in the Chestnut Lodge proposal due to the

preservation of the large front lawn, in a conservation easement, and the preservation of historical features of the property that are beneficial to the City at large not exclusively the residents of the proposed Chestnut Lodge development.

It is for those reasons that the Applicant requests that potential park dedication of 140,000 sq. ft. of land area be waived by the City Council, with the support of the Planning Commission

VI. STORMWATER MANAGEMENT.

The site is divided in three drainage areas. The runoff from the southeast side of the site drains to the existing Falls Road SWM Pond located in the Rose Hill subdivision. The runoff from the southwest side drains to the existing Bullard Park SWM Pond located in the existing Rose Hill subdivision. The north side (Historic area) drains generally to Montgomery Avenue.

Stormwater runoff for most of the Chestnut Lodge site will be controlled by the two existing stormwater management ponds located downstream of the site within the existing Rose Hill subdivision. Originally, both of these ponds were designed and constructed to provide quality and quantity control for the runoff from the Rose Hill site as well as runoff from future development on the Chestnut Lodge site. The Rose Hill ponds were designed and constructed prior to implementation, of the Maryland 2000 Stormwater Management, criteria as adopted by the City of Rockville.

The Applicant proposes retrofit of the Great Falls and Bullard Stormwater Management facilities in the existing Rose Hill subdivision to meet all current Stormwater Management requirements for the proposed development areas of Chestnut Lodge which drain to those existing ponds. The retrofit of both Rose Hill ponds will also bring the existing Rose Hill subdivision to Maryland 2000 standards. In addition, the retrofit of each pond will provide Stormwater Management per Maryland 2000 standards for off-site areas draining to the respective ponds. Currently, there is no Stormwater Management control for these off-site areas. The proposed pond designs will include, recharge volume, water quality volume and water quantity control for all areas draining to the retrofitted facilities. Considering that each Stormwater Management facility will provide regional control of three separate properties, the City proposes that the facilities are publicly maintained.

The Historic part of the site drains generally to Montgomery Avenue. Our computations show that the discharge from this post development area will not warrant stormwater quantity control as per design criteria of the Maryland 2000 standards. Recharge and quality control for this area will be provided through stormwater credits (also per 2000 Maryland standards) such as disconnection of rooftops, sheet flow buffers and open channel sections for the entrance road. This stormwater management approach for the Historic area will preserve the area as it exists today.

VII. RETAINING WALL AND BUILDING HEIGHTS.

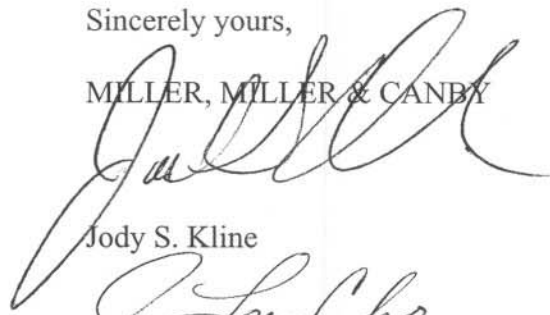
In response to Ms. Ostell's question, the Applicant will conduct field measurements and will prepare an exhibit for review at the September 14th public hearing comparing the heights of the new garages with the heights of the existing MPDU residences. The Applicant has noted the

differential in elevations between the grade of the Chestnut Lodge property and the level of the Tall Grass Court residences. Replacement of the existing retaining wall, which is in disrepair, and creating "terraces" or "steps" in the new retaining wall, will expand the separation between the existing and the new units and will provide better opportunities to create a landscape screen between the units. The Applicant has visited Rose Hill Park and taken photos from Tall Grass Court and at distances up to 200 hundred feet away from the wall. These views will assist the landscape architects in selecting tree species and tree caliper to screen views of the new residences from the Park.

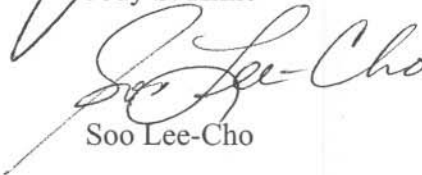
We hope this information provides the Commission with additional background information in advance of your September 14th public hearing.

Sincerely yours,

MILLER, MILLER & CANBY



Jody S. Kline



Soo Lee-Cho

JSK/cas